

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

PANFILO ZAVALA-ANGULO,
Defendant.

No. CR-91-136-FVS

ORDER DENYING MOTION FOR
RECONSIDERATION OF
SENTENCE

THIS MATTER comes before the Court based upon the defendant's "Motion for Reconsideration of Sentence." He is representing himself. The government is represented by Joseph H. Harrington.

BACKGROUND

On January 27, 1992, the defendant was sentenced to a term of 270 months imprisonment. He asks the Court to resentence him or, in the alternative, direct the Bureau of Prisons to review his sentence or, in the alternative, attempt to arrange a kidney transplant.

RULING

A. Resentencing

The defendant is not eligible for resentencing under 28 U.S.C. § 2255 because he previously has filed a number of habeas petitions; each of which has been denied. As a result, this is a "successive" petition. He must obtain permission from the Ninth Circuit before seeking relief under 28 U.S.C. § 2255.

The defendant's request for an order compelling the Bureau of Prisons to either review his sentence or arrange a kidney transplant is governed by 28 U.S.C. § 2241. A 2241 petition must be filed in the district in which the prisoner is incarcerated. *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir.1989). The defendant is not incarcerated in this district; therefore, the Court lacks jurisdiction over a § 2241 petition.

the defendant's "Motion for Reconsideration of Sentence" (Ct. **Rec. 67**) is denied.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order and furnish copies to the defendant and to counsel for the government.

DATED this 14th day of May, 2010.

s/ Fred Van Sickle

Fred Van Sickle
Senior United States District Judge